

Net Zero, Energy and Transport Committee
Tuesday 3 February 2026
5th Meeting, 2026 (Session 6)

Note by the Clerk on The Digital Waste Tracking (Scotland) Regulations 2026 (draft)

Overview

1. At this meeting, the Committee will take evidence from the Cabinet Secretary for Climate Action and Energy and officials on the Digital Waste Tracking (Scotland) Regulations 2026 (draft) before debating a motion in the name of the Cabinet Secretary inviting the Committee to recommend approval of the instrument.
2. This is a draft Scottish Statutory Instrument (SSI), which requires approval by resolution of the Parliament before it can become law. More information about the instrument is summarised below:

Title of instrument: [The Digital Waste Tracking \(Scotland\) Regulations 2026](#) (draft)

Laid under: sections 34CA(1), (2), (3), (6), (7), (8) and (9) and 34CB(1), (2), (3), (5) and (6) of the Environmental Protection Act 1990

Laid on: 12 January 2026

Procedure: Affirmative

Lead committee to report by: 20 February 2026

Commencement: If approved, the instrument comes into force on 1 January 2027

Procedure

3. Under the affirmative procedure, an instrument must be laid in draft and cannot be made (or come into force) unless it is approved by resolution of the Parliament.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.

5. The lead committee, taking account of any recommendations made by the DPLR Committee (or any other committee), must report within 40 days of the instrument being laid.
6. The normal practice is to have two agenda items when an affirmative instrument is considered by the lead committee:
 - an evidence session with the Minister and officials, followed by
 - a formal debate on a motion, lodged by the Minister, inviting the lead committee to recommend approval of the instrument.
7. Only MSPs may participate in the debate, which may not last for more than 90 minutes. If there is a division on the motion, only committee members may vote. If the motion is agreed to, it is for the Chamber to decide, at a later date, whether to approve the instrument

Delegated Powers and Law Reform Committee consideration

8. The DPLR Committee considered the instrument on 27 January 2026 and reported on it in its [12th report 2026](#).
9. The Committee noted that the policy note contains a citation error. It says the Scottish Government acknowledges the error and will amend the note should the regulations be agreed to.
10. The DPLR Committee also drew the instrument to the attention of the Parliament on the general reporting ground in respect to the following:
 - a. The instrument provides a definition of “end of the quarter” and “quarter” in regulation 2, but these terms do not otherwise appear in the instrument. The Scottish Government said it agreed this is an error and the definition is not needed. The Scottish Government stated that these definitions will have no effect and do not consider that they impact on the operation of the instrument.
 - b. Regulation 23(4) of the instrument defines “public authority” as having the same meaning as in section 30(1) of the Data Protection Act 2018. However, that section defines “competent authority” rather than “public authority”, and a definition of “competent authority” by reference to that section is also provided within that regulation. The Scottish Government stated that this is an error in the instrument. The correct provision to which the definition of “public authority” should refer is section 7(1) of the 2018 Act.
 - c. Schedule 1, paragraph 1, provides a definition of “consignment note” with reference to the 1996 Regulations. The 1996 Regulations are not otherwise referred to or defined in the instrument or the parent Act. The

Scottish Government stated that the term “1996 Regulations” is not defined in the instrument. In the definition of ‘consignment note’, it should have referred to the Special Waste Regulations 1996.

- d. Paragraphs 12, 13 and 15 of schedule 2 refer to a person appointed under, or determination of an appeal in accordance with, paragraphs 14(a) and 14(b), however, these paragraphs relate to the procedure upon determination of appeals. The Scottish Government stated that these are errors in cross-referencing in the instrument. The references to paragraphs 14(a) and 14(b) should in fact be to paragraphs 11(a) and 11(b).
 - e. Paragraph 15(b) of schedule 2 refers to a report made to the Scottish Ministers in accordance with paragraph 16. But there is no paragraph 16. The Scottish Government stated that this is a cross-referencing error in the instrument. The reference to paragraph 16 should correctly be to paragraph 13.
11. The DPLR Committee noted that the Scottish Government intends to correct these errors at the earliest opportunity.

Purpose of the instrument

12. These Regulations aim to establish a single, mandatory digital system for recording information on all types of controlled waste. The policy note explains that the Digital Waste Tracking system is being delivered on a phased basis in all four nations. This instrument introduces the first phase in Scotland and will apply to waste received at facilities conducting certain waste activities.
13. The policy note states that the new system will replace paper-based and inconsistent systems with a streamlined digital service, reducing opportunities for waste crime and improving compliance. According to the policy note, it will enable faster, data-driven enforcement, and support fairer competition and stronger environmental performance through better tracking and oversight.
14. The policy note says that existing waste data regulations, and supporting digital infrastructure in the UK, do not enable waste to be easily and consistently tracked from the point of production to end fate. Large amounts of data related to waste is not collected or not collated centrally, in multiple formats or managed by multiple parties. There are separate services for household waste, commercial waste, hazardous waste and international waste shipments.
15. According to the policy note, the single digital waste tracking system will transform the way that waste is regulated and provide the information that regulators need to prioritise regulatory activities, tackle waste crime and support a shift to a circular economy. The key objectives are to:
- Improve the quality, accuracy, accessibility and usability of waste data.
 - Integrate and simplify recording of waste, bringing together separate systems covering commercial, household, and hazardous waste.

- Reduce waste crime.
 - Ensure that waste data support government policies and regulatory activities.
16. If the Regulations are agreed to, they will commence in January 2027 in Scotland (the equivalent phase one regulations will commence in October 2026 in England, Wales and Northern Ireland). Later phases will apply to all waste movements and transfers, and will be introduced in future Regulations.
17. The first phase will apply to all waste received at permitted facilities carrying out a waste activity. Local authorities will not need to track household waste collections from individual houses or collection rounds, but this waste will be tracked from the point at which the waste arrives at a receiving site. Waste received at household waste and recycling centres (HWRCs) will also be excluded from the digital system.
18. The UK Government Department of Environment, Food and Rural Affairs (Defra) will operate the new digital waste tracking system under the terms of a Memorandum of Understanding between the four nations. Scottish Ministers are named as the 'designated person' and therefore assume the functions of the digital system operator. Agency arrangements will be established by means of an order under section 93 of the Scotland Act 1998 to enable relevant functions for operating the digital system to be exercised by the Defra Secretary of State.
19. The policy note states that, as some individuals may be digitally excluded, for example due to religious beliefs or lack of digital connectivity, digitally excluded persons will be exempted from the use of the Digital Waste Tracking System. They will instead be required to create written records and submit information via a non-digital route to SEPA on quarterly basis.
20. SEPA will be the enforcing body for the digital waste tracking system. Offences which are created under these Regulations will be added to the "relevant offences" in the Environmental Regulation (Enforcement Measures) (Scotland) Order 2015 in advance of the Regulations coming into force, providing SEPA with the relevant powers to impose civil sanctions in relation to any such new offences.
21. There are also provisions relating to offences by bodies corporate and offences by Scottish partnerships, or unincorporated associations, setting out the circumstances in which individuals of such an entity may also be guilty of the offence in addition to that entity. Similar offences will also be reflected in the equivalent regulations of the other three nations of the UK, and enforced by the equivalent regulator.
22. The policy note accompanying the instrument is annexed. It includes a summary of consultation undertaken on the instrument and the anticipated financial effects. These impact assessments have been carried out:
- [Child Rights and Wellbeing Impact Assessment \(CRWIA\)](#)
 - [Islands Communities Impact Assessment](#)

- [Equalities Impact Assessment \(EQIA\)](#)
- [Final Business and Regulatory Impact Assessment \(BRIA\)](#)

Report

23. The Convener may invite the Committee to delegate to him authority for considering and approving a draft report prepared by the clerks after the meeting. In relation to any report finalised in this way, Committee Members may ask to see the draft and comment on it before the Convener authorises it for publication.

Clerks to the Committee
February 2026

Annexe: Scottish Government Policy Note

THE DIGITAL WASTE TRACKING (SCOTLAND) REGULATIONS 2026 SSI 2026/XXX

The above instrument was made in exercise of the powers conferred by sections 34CA(1), (2), (3), (6), (7), (8), (9), (10) and 34CB(1), (2), (3), (5), (6) and (7) of the Environmental Protection Act 1990. The instrument is subject to the affirmative procedure.

Summary Box

This instrument establishes a single, mandatory digital system for recording information on all types of controlled waste. The Digital Waste Tracking system is being delivered on a phased basis in all four nations of the United Kingdom. This instrument introduces the first phase in Scotland, and will apply to waste received at facilities conducting certain waste activities.

The new system will replace paper-based and inconsistent systems with a streamlined digital service, reducing opportunities for waste crime and improving compliance. It will enable faster, data driven enforcement, and support fairer competition and stronger environmental performance through better tracking and

Policy Objectives

Existing waste data regulations, and supporting digital infrastructure in the UK, do not enable waste to be easily and consistently tracked from the point of production to end fate. Large amounts of data are either not collected or not collated centrally, in multiple formats and managed by multiple parties. There are separate services for household waste, commercial waste, hazardous waste and international waste shipments. The overall picture is of a fragmented set of systems that do not interact.

The lack of a central digital service for recording waste information presents several problems. There is opportunity to commit waste crime, as waste cannot be tracked or is easily misclassified. Regulators do not have sufficient up-to-date information to allow the efficient and effective regulation of waste. Policymakers do not have sufficient data to monitor the effectiveness of interventions and identify opportunities to move towards a circular economy. Industry lacks information to support innovation, reduce costs, and ensure they comply with their duty of care.

In order to move towards a more circular economy, and effectively regulate and manage waste, the single digital waste tracking system will transform the way that waste is regulated and provide the information that regulators need to prioritise regulatory activities, tackle waste crime and support a shift to a circular economy. The key objectives are to:

- Improve the quality, accuracy accessibility and usability of waste data
- Integrate and simplify recording of waste, bringing together separate systems covering commercial, household, and hazardous waste.

- Reduce waste crime
- Ensure that waste data support government policies and regulatory activities.

The new digital waste tracking system is being delivered on a phased basis in all four UK nations. The Digital Waste Tracking (Scotland) Regulations 2026 (“the 2026 Regulations”) introduce the first phase, which will commence in January 2027 in Scotland (the equivalent phase one regulations will commence in October 2026 in England, Wales and Northern Ireland). Later phases of the digital waste tracking system will apply to all waste movements and transfers, and will be introduced in future Regulations.

The first phase will apply to all waste received at permitted facilities carrying out a waste activity. Local authorities will not need to track household waste collections from individual houses or collection rounds, but this waste will be tracked from the point at which the waste arrives at a receiving site. Waste received at household waste and recycling centres (HWRCs) will also be excluded from the digital system.

The UK Government Department of Environment, Food and Rural Affairs (Defra) will operate the new digital waste tracking system on behalf of all nations, under the terms of a Memorandum of Understanding between the four nations of the UK. Scottish Ministers are named as the ‘designated person’ in the 2026 Regulations and therefore assume the functions of the digital system operator. Agency arrangements will be established by means of an order under section 93 of the Scotland Act 1998 to enable relevant functions for operating the digital system to be exercised by the Defra Secretary of State.

As some individuals may be digitally excluded, for example due to religious beliefs or lack of digital connectivity, digitally excluded persons will be exempted from the use of the Digital Waste Tracking System. They will instead be required to create written records and submit information via a non-digital route to SEPA on quarterly basis.

SEPA will be the enforcing body for the digital waste tracking system. Offences which are created under the 2026 Regulations will be added to the “relevant offences” in the Environmental Regulation (Enforcement Measures) (Scotland) Order 2015 in advance of the 2026 Regulations coming into force, providing SEPA with the relevant powers to impose civil sanctions in relation to any offences under the 2026 Regulations.

There are also provisions incorporated relating to offences by bodies corporate and offences by Scottish partnerships, or unincorporated associations, setting out the circumstances in which individuals of such an entity may also be guilty of the offence in addition to that entity. Similar offences will also be reflected in the equivalent regulations of the other three nations of the UK, and enforced by the equivalent regulator.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

"In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 ("the Act"), the Scottish Ministers certify that, in their view, The Digital Waste Tracking (Scotland) Regulations 2026 are compatible with the UNCRC requirements as defined by section 1(2) of the Act."

EU Alignment Consideration

The EU Waste Framework Directive (Directive 2008/98/EC) was amended by Directive (EU) 2018/851 to require EU member states to set up a digital registry for hazardous waste to record the data on hazardous waste which persons carrying out authorised waste management activities were required to record, covering its quantity, origin, treatment, and destination.

Separately, Regulation (EU) 2019/1021 on persistent organic pollutants required member states to ensure that the control and traceability of waste containing persistent organic pollutants (POPs) is in line with the requirements in the Waste Framework Directive on hazardous waste.

The EU is currently developing its own digital waste tracking systems for exports (the Digital Waste Shipment System or DIWASS). The digitalisation of waste shipment procedures is one of the key objectives of the Regulation (EU) 2024/1157 of the European Parliament and of the Council on shipments of waste which was adopted by the EU in April 2024. Under the new EU system Operators who are exporting waste to countries within or via the EU will be required to submit information from May 2026. This will directly apply to exporters in Northern Ireland and will be available for movements between Scotland and the EU at some point in the future. These Regulations will help to ensure that digital waste tracking in Scotland makes progress in a similar way to EU developments.

Consultation

A formal four-nation public consultation was conducted from January 2022 to April 2022 to present and seek views on accessing the data on the waste tracking system, fees and charges, exemptions and alternative requirements for digitally excluded persons, and offences and sanctions. A total of 713 responses to the consultation were received, and a four-nations Government Response published in October 2023. The feedback was used to review and refine the proposals and shape the digital design of the waste tracking service.

A Waste Tracking User Panel (1200 stakeholders with 450 operating across Scotland) was also consulted throughout the process of considering and developing a prototype system for digital waste tracking. This panel included a range of business stakeholders from across the waste sector, as well as wider sectors. Engagement with the user panel took place through questionnaires, surveys, interviews, user research workshops and discussions, and written feedback as well as usability testing of prototypes.

Impact Assessments

The following impact assessments have been completed to evaluate the likely impacts of the policy.

- A Partial Business and Regulatory Impact Assessment was published on 21 January 2022. A Final Business and Regulatory Impact Assessment (BRIA) has been completed following consultation feedback and will be published to coincide with the laying of this instrument,
- An Equality Impact Assessment (EQIA).
- An Island Communities Impact Screening Assessment (ICIA).
- A Child Rights and Wellbeing Impact Assessment (CRWIA) and will be published to coincide with the laying of this instrument.
- A Strategic Environmental Assessment (SEA) pre-screening was conducted in 2021 which concluded that the policy is largely focused on replacing paper-based and multiple IT services an SEA was not required.
- A Fairer Scotland Duty Assessment (FSDA) was considered in 2021 which concluded that there are not likely to be socio-economic inequality issues, or opportunities to reduce inequalities arising from the implementation of a digital waste tracking system in Scotland, and therefore an FSDA was not required.

Financial Effects

A Final Business and Regulatory Impact Assessment (BRIA) has been completed for this policy and will be published alongside Regulations.

The Net Present Value (NPV) of a Digital Waste Tracking service for all waste is estimated to be £15.0m over a 15 year period (2026-2040) in Scotland. This does not include the non-monetised benefits and costs.

Scottish Government

Environment and Forestry Directorate

January 2026